

REMARKS

Claims 1-3 and 5-11 are pending. Claims 1-2 and 5-11 are amended.
Claims 3 and 4 are withdrawn. No new matter is added.

Rejections for Lack of Written Description Under 35 U.S.C. 112

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 112 for lack of written description because of the use of the word "vaccine" in the claim language. The Office Action alleges that use of this term necessarily indicates a demonstrated ability of the claimed composition to "protect" from disease. The Office Action further alleges that the claimed subject matter was not described sufficiently in the specification to demonstrate that Applicants were in possession of a "vaccine" composition at the time of application. It is further alleged that the specification does not include a listing of cells that are commensurate with the claimed invention.

Applicants disagree with and traverse each of the foregoing allegations and each of the rejections in the Office Action. Nevertheless, solely in order to expedite prosecution and allowance, Applicants are herewith amending the claims to omit the term "vaccine", and to recite instead a "composition suitable for administration to a subject". Support for this amendment may be found throughout the specification as the specification describes compositions for administration to a subject (see, for example, paragraph 83). Since the rejection is based on the use of the term "vaccine", Applicants respectfully submit that the rejection is moot in view of the amended claims, and request that the rejection be reconsidered and withdrawn.

Additionally, claim 3 is rejected for lack of written description because of alleged "insufficient possession of GM-CSF fragments comprising at least 5 amino acids." Applicants respectfully disagree that possession was insufficient. Nevertheless, solely in order to expedite prosecution and allowance of the other claims, Applicants are herewith withdrawing claim 3.

All amendments and withdrawals being made herewith are being made without prejudice to Applicants' right to pursue the prior claims in this or related applications.

Rejections for Lack of Enablement Under 35 U.S.C. 112

Claims 1-3 and 5-11 are rejected for lack of enablement because they recite the word "vaccine", which, according to the Office Action, necessarily indicates protection from disease. The Office Action alleges that, in view of that language, the specification is not enabling for the full scope of the claimed invention. Applicants respectfully disagree.

However, as set forth above, the claims have been amended to omit the word "vaccine". This amendment renders the rejection moot, since the claims as amended can in no way be read as relating to "protection". Accordingly, Applicants respectfully request withdrawal of the rejections and prompt allowance of all pending claims.

Obviousness-type Double Patenting

The Office Action states that the instant claims are rejected under the judicially created doctrine of obviousness type double patenting in view of several co-pending applications. Upon notification of otherwise allowable subject matter in the instant case, Applicants will timely file a terminal disclaimer effective to obviate the double patenting rejection.

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

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Respectfully submitted,

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